

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION**

This document relates to:

***City of New York v. Amerada Hess Corporation, et al.,*
No. 04 Civ. 3417 (SAS)**

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

**DECLARATION OF LISA GERSON IN SUPPORT OF EXXON MOBIL
CORPORATION'S OPPOSITION TO PLAINTIFF CITY OF NEW YORK'S MOTION
TO STRIKE THE SUPPLEMENTAL EXPERT REPORT OF THOMAS MAGUIRE AND
TO EXCLUDE EVIDENCE OR ARGUMENT THAT A CITY-OWNED PROPERTY IS
THE SOURCE OF MTBE CONTAMINATION AT STATION 6**

Lisa Gerson, an attorney duly licensed to practice law in the State of New York and in the United States District Court for the Southern District of New York, hereby declares the following under penalties of perjury:

1. I am a member of the law firm of McDermott Will & Emery LLP, counsel for the Exxon Mobil Corporation ("ExxonMobil") Defendants in the above-captioned matter. I submit this Declaration in Support of Exxon Mobil Corporation's Memorandum of Law in Opposition to Plaintiff City of New York's Motion to Strike the Supplemental Expert Report of Thomas Maguire and to Exclude Evidence or Argument that a City-owned Property is the Source of MTBE Contamination at Station 6 (hereinafter "Opposition"). This Declaration authenticates the exhibits attached hereto and relied on in support of the Opposition. In accordance with this Court's Individual Rules and Procedures, the exhibits have been excerpted to include only the relevant material. Copies of each of the exhibits appended hereto were made at my direction on or around July 29, 2009.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the Expert Report of Thomas Maguire (Mar. 9, 2009).
3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the Supplemental Expert Report of Thomas Maguire (June 1, 2009).
4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the transcript of the deposition of Thomas Maguire (May 4, 2009).
5. Attached hereto as Exhibit D is a true and correct copy of a letter from Daniel Greene to James Pardo (May 14, 2009).
6. Attached hereto as Exhibit E is a true and correct copy of excerpts from the transcript of the April 24, 2009 court conference.
7. Attached hereto as Exhibit F is a true and correct copy of excerpts from the transcript of the June 2, 2009 court conference.
8. Attached hereto as Exhibit G is a true and correct copy of excerpts from Plaintiff City of New York's Motion in Limine No. 10 to Exclude Evidence or Argument Relating to Prior Regulatory Enforcement Actions Against the City Concerning City-Owned Underground Storage Tanks (June 2, 2009).
9. Attached hereto as Exhibit H is a true and correct copy of excerpts from a Memorandum from David Cohen and Julie Kim to Venetia Barnes of NYCDEP (July 19, 2007).

Dated: New York, NY
July 29, 2009

Respectfully submitted,



Lisa Gerson